

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

JOHN ROE and JANE DOE,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity
as Secretary of Homeland Security; the
DEPARTMENT OF HOMELAND
SECURITY; and TODD LYONS, in
his official capacity as Acting Director
of U.S. Immigration and Customs
Enforcement,

Defendants.

CV 25–40–BU–DLC

ORDER

Before the Court is Plaintiffs’ Emergency Motion for Temporary Restraining Order and Preliminary Injunction. (Doc. 2.) Plaintiffs represent that they attempted to email all filings to the United States Attorney’s Office for the District of Montana on April 13, 2025. (*Id.* at 2.) Summonses were issued on April 14, 2025, (Doc. 7) and Defendants have not yet appeared in the case.

The Court may issue a preliminary injunction only on notice to the adverse party. Fed. R. Civ. P. 65(a)(1). The Court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if (1) specific facts in an affidavit or a verified complaint clearly show that immediate and

irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (2) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required. Fed. R. Civ. P. 65(b)(1)(A)–(B).

Although Rule 65 does not define the amount or type of notice required, it is not yet apparent whether Defendants have received notice of the Motion as required by Rule 65. *See, e.g., Exclusive Beauty Club, LLC v. Rymax Corp.*, 2019 WL 4570028, at *2 (C.D. Cal. July 3, 2019). Nor is it clear—without more information or authority upon which this Court may rely—that Plaintiffs' email to the United States Attorney's Office for the District of Montana provided sufficient notice to the named Defendants or to their counsel. *Document Operations, L.L.C. v. AOS Legal Techs., Inc.*, 2021 WL 3729333, at *2 (5th Cir. 2021) (“[t]he sufficiency of written and actual notice is a matter for the trial court's discretion.”).

Accordingly, IT IS ORDERED that, by **5:00 p.m. today, April 15, 2025**, Plaintiffs shall provide the Court with information regarding any efforts made to accomplish service and/or notify Defendants of their Motion.

DATED this 15th day of April, 2025.



Dana L. Christensen, District Judge
United States District Court